



Planning Committee  
12 November 2014

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

**Report by the Director for Customer Services**

**Planning Applications**

**1**

**Application Number: AWDM/0982/14      Recommendation – Approve**

**Site:              Park House, 4 St Georges Road, Worthing, West Sussex BN11 2DS**

**Proposal:        Change of use from guest house to single dwelling house including part of former garden of No 6.**

**2**

**Application Number: AWDM/1270/14      Recommendation – Approve**

**Site:              54 Lamorna Grove, Worthing, West Sussex BN14 9BJ**

**Proposal:        Retention of conservatory to rear (south) elevation.**

**3**

**Application Number: AWDM/1282/14 &      Recommendation – Approve  
AWDM/1288/14**

**Site:              Southern Pavilion, Worthing Pier, The Promenade, Worthing West Sussex  
BN11 3PX**

**Proposal:        Application for Planning Permission and Listed Building Consent to attach handrail to disabled ramp on ground floor western fire escape**

Application Number: AWDM/0982/14

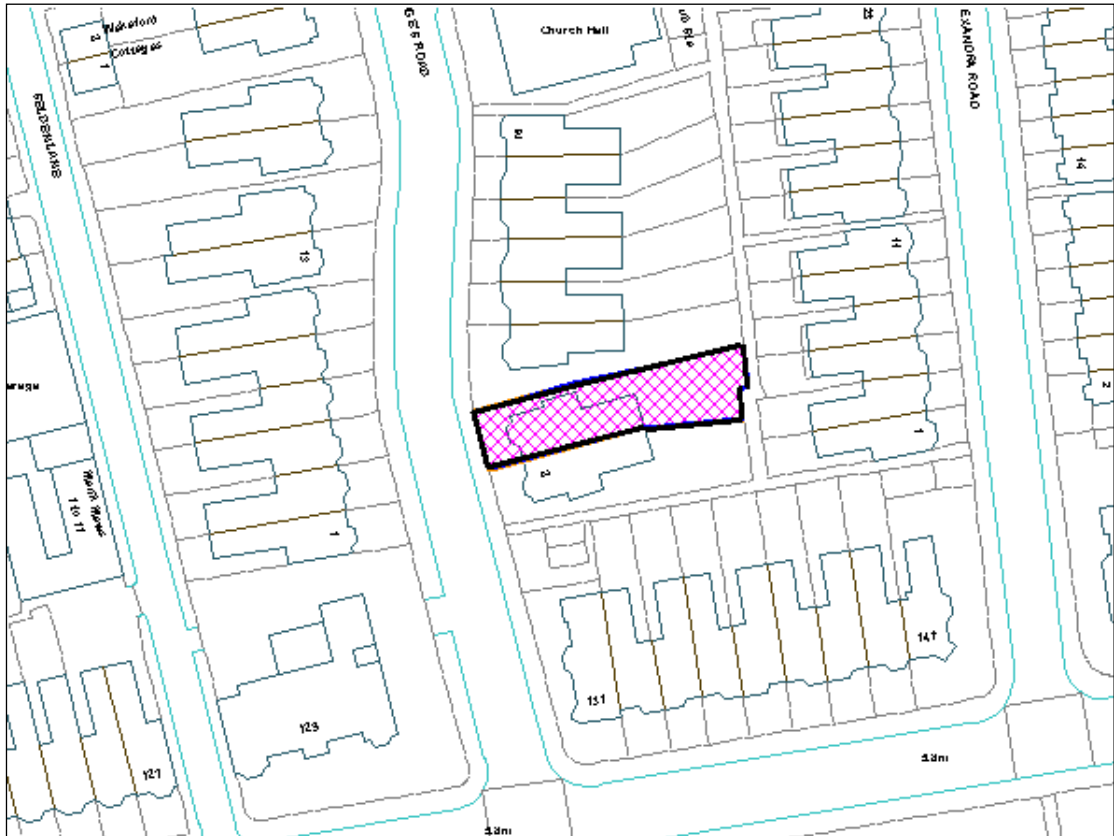
Recommendation – APPROVE

Site: Park House, 4 St Georges Road, Worthing, West Sussex

Proposal: Change of use from guest house to single dwelling house including part of former garden of No. 6

Applicant: Mr Martyn Smith  
Case Officer: Peter Devonport

Ward: Selden



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## Site and Surroundings

The property which is the subject of this application is a very substantial and distinctive semi-detached Edwardian property, arranged on 3 floors, close to the sea front in a pleasant residential inner suburb, reasonably close to the town centre and where a shrinking number of guest houses are clustered.

The building itself retains much of its period grandeur and has added a single storey extension at the rear. St Georges Road is a mainly residential street of similarly aged and distinctive large properties, a number of which have been converted to flats. A former guest houses at No 11 opposite converted to flats in 2011 (10/0771/FULL) and another nearby guest house at No 17 appears to have ceased trading.

Houses adjoin to the side, opposite and to the rear.

Originally a residential dwelling, it has been in use as a guest house for over 30 years. The guest house provides 7 guest bedrooms – a mix of single and double, all en-suite on the upper floors. Sitting /dining and reception areas are downstairs along with owner's accommodation at the rear. The current proprietor has run the business since 2004 and more recently this has been a solo venture.

The business runs as a B&B but was for a time used exclusively on a contract basis to accommodate vulnerable persons referred by West Sussex County Council Social Services.

The property's sizeable front, side and rear garden has been enlarged still further by the acquisition of the side and most of the rear garden of the adjacent paired semi (converted to flats) at No 6, to the north. The rear garden is laid mainly to lawn and is bounded by shrubs and substantial walls and fence.

There is parking for at least 3 cars in the mainly lard landscaped front and side garden.

Parking is controlled by way of resident permit parking only between 10-11 am and 2-3pm Monday – Saturday.

### **Planning History:**

Application for an Established Use Certificate for Use of Semi-Detached Property as a Guesthouse: 4 St Georges Road: Refused 1978

Change of Use from Single Dwellinghouse to a Guesthouse: 4 St Georges Road. Approved 1978

Conversion of Existing Guest House into 5 Self-Contained Flats: 4 St Georges Road. Refused 1988

Change of use from a Guest House to a single family dwelling house: Withdrawn 2004

### **Proposal**

The proposal is to convert the guest house to a large family house. No physical works are shown but up to 7 bedrooms and four or more reception rooms would be available.

The garden acquired from No 6 would be retained as would the existing forecourt parking.

The application is supported by statements from the applicant including medical history.

## **Key extracts from Supporting Statements**

*Possible sale of The Parkhouse as a B&B*

*I believe it will be very difficult, if not impossible to sell The Parkhouse as a B&B.*

*The reasons are as follows and it is important to set out the background:-*

*You will be aware that for a number of years The Parkhouse, accepted bookings from WSCC. However in 2013 WSCC significantly reduced the use of B&B for young person's leaving WSCC care and now this practice has almost ceased.*

*The historical financial position of The Parkhouse [up to mid 2013 when the WSCC relationship ended] is not relevant when assessing the financial viability and value of the business. In effect, The Parkhouse is trading as a new business with effect from April 2014 when it re-opened after works.*

*Operating now as a "traditional" B&B model, the accounts will reveal that that the business is only making a very small profit and is barely viable.*

*It is highly unlikely that any prospective purchaser would be able to raise business finance and would have to be a cash buyer.*

*Recent history would seem to indicate that there is little or no demand from prospective purchasers for a B&B business in Worthing.*

*The loss of the National Bowls championships has been a significant blow to summer B&B revenue and indeed revenue throughout Worthing.*

*The property requires significant investment in respect of the installation of full central heating and hot water system and the replacement of the en-suite bathrooms, as well as other upgrade works.*

*The Parkhouse has only been awarded 2 stars by the AA and is therefore not the most attractive business to customers [or any purchaser] and cannot justify charging the rates of three stars or more B&B's.*

*This level of borrowing is not sustainable or sensible and the most pragmatic way forward is to sell the property and release the equity to enable me to retire, move and pay my debts.*

*If I were to remain at The Parkhouse, in order for me to maintain my payments to my former wife, repay my borrowings and give myself a modest income, I calculate that The Parkhouse revenue will need to almost double overnight. With the best will in the world, this is not possible and in any event, I do not have the capacity to meet the increased workload.*

*The only other alternative I have would be to declare myself bankrupt in which case the property will be sold as a "fire sale". If this occurred I would be virtually penniless, jobless and homeless.*

### *Medical Circumstances*

*I confirm that have written to my GP asking him for a report on my medical circumstances and how they impact on my ability to operate the business.*

*I offer the following by way of a summary.*

*I am now 60 years old and have now owned and operated the business for almost 10 years. As a result of severely reduced mobility, I am now only able to do so with great difficulty. I am in constant discomfort and pain which is worsening.*

*Regretfully, the business does not make enough money for me to employ staff, and I have to work every day to pay the bills.*

### *Conclusions*

*It is most unlikely that The Parkhouse can be sold as a going concern. This has been confirmed verbally by local commercial agents.*

*The Parkhouse is only giving me an annual income of less than £5,000 a year which I do not regard as a living wage and is not in any way commensurate with the time and effort I am putting into the business.*

*I do believe it is possible to increase both occupancy and profitability but this will be a slow process and will take too long for me.*

*I have already borrowed substantial amounts of money from my friends and family to meet my financial obligations... I will only be able to repay my loans when the property is sold.*

*My physical and mental health is suffering and my mobility problems make the job of running a B&B extremely difficult. I do not know of any other B&B owner who looks after their business with no help or assistance. Again, this is not sustainable.*

*I sincerely wish I was not in my current predicament and it is not an understatement to say that my entire financial future and wellbeing are dependent upon my gaining planning permission for change of use.*

*It will cause me great hardship if change of use is not granted and I will be at risk of being homeless, jobless and penniless.*

*I do hope you can assist me with an early decision.*

### Tourism Development & Marketing Officer

A key part of the Adur and Worthing Tourism vision is to improve the tourism offer of the area and increase the number of visitors. The success of this strategy will in part depend on the retention of and improvement to the existing tourism accommodation. The Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013) demonstrated that the demand for B+B accommodation in Worthing is currently strong, with the potential to grow. Both of these documents highlight the need to apply a rigorous approach to the potential loss of

accommodation and ensure that decisions take full account of the potential impact on the tourism economy and the priorities in the Tourism Vision.

For a number of years the owners have chosen to accommodate young people leaving WSCC care, with the subsequent financial impact when this source of income reduced. The applicant has cited the impact of the loss of the National Bowls championship on revenue. This is not consistent with the feedback from other B+B providers in Worthing. For the majority there has been no financial impact with the loss of the Bowls.

The policy requirements are quite clear regarding the evidence required in terms of marketing. The marketing undertaken by the applicant is insufficient, both in terms of the length of time the property has been on the market and that a hotel property and/or business sales agent has not been used. There is also no evidence that the premises could not provide viable tourist accommodation, nor that the applicant has explored options to change the type of accommodation on offer.

In summary there is a strong objection to the loss of the B+B.

#### Highway Authority

The site is recognised as having a permitted residential use. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal could be resisted on the basis of traffic generation.

#### **Planning Appraisal**

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

The main issues for consideration are:-

- i) The loss of a guest house and impact on the visitor economy, together with personal circumstances, and principle of residential use.
- ii) The impact on the amenities of future and neighbouring occupiers.
- iii) Impact on access and parking.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 5, 7 and 8 and The National Planning Policy Framework; The Adur and Worthing Hotel and Visitor Accommodation Futures Study (Dec 2013) and Adur and Worthing Tourism Vision Action Plan and Supplementary Planning Document Sustainable Economy.

## **The loss of a guest house and impact on the visitor economy and principle of residential use as single family house**

The starting point for any assessment of the loss of such a guest house as tourism/visitor accommodation is the policy framework.

Core Strategy Policy 5 recognises an important role for the tourism/visitor economy in the town as part of a wider town centre and seafront renaissance and this is underlined by the Adur and Worthing Tourism vision Action Plan. The Core Strategy reports that studies show that there is a strong market demand for budget hotels and good quality guesthouses/B&B's and supporting existing visitor accommodation by repositioning and upgrading the offer will be critical to the future success and development of this sector. To this end Policy 5 resists the loss of visitor accommodation unless it can be demonstrated that such accommodation is unviable; is the only way of improving the accommodation and the alternative uses contribute towards the visitor/tourist economy.

The National Planning Policy Framework is silent on tourism in seaside locations but as economic development is generally supportive. Its lack of clear direction indicates that Core Strategy Policy 5 should be given full weight.

Certainly, the loss of the guest house as proposed would run contrary to the Core Strategy, not the least because the premises are a long established, substantial guesthouse with good facilities, advantageously located in a popular tourism district, close to the seaside, town centre and other visitor accommodation and facilities. The effect would be to further erode the town's stock of good quality visitor accommodation, with attendant harm to the town's image, tourism function and broader town centre and seafront economic regeneration objectives. It would also thin further the established cluster of guest house and B&B's in the neighbourhood and impact to some degree on the local economy from lost spending by guests on meals out, entertainments etc. Indeed, the proposal follows on the heels of recently granted conversion of Olinda Guest house 199 Brighton Road to residential use (AWDM/0838/13); Blair House 11 St Georges Rd to flats (WB/10/771/FULL); and convert the nearby Tudor Guest House in Windsor Road to a house (WB/0936/FULL refers). In the knowledge of a number of similar establishments voicing their interest in converting to residential use, any unjustified loss could also set a harmful precedent which may be difficult to resist.

That said Core Strategy Policy 5 and allied Supplementary Planning Document makes clear that the loss of such guest houses may still be allowed where they are demonstrated to be unviable in business terms. Moreover, the Committee has entertained departures from the policy even where such a case has not been fully demonstrated, where personal circumstances have tipped the balance. This was the case with Blair House and Tudor Guest House above.

The current proprietor has run the business for ten years and did succeed in turning round what was formerly a struggling concern and significantly upgraded the property in the process. He reports that, unfortunately, with the financial crash of 2007, followed by the opening of The Travel Lodge the following year, viability

declined rapidly. This prompted the owners to remodel the business and from 2008 to early 2013 to accommodate exclusively West Sussex County Council Social Services referrals. Whether this use even falls into a C1 guest house use is unclear. Certainly, this has meant that it did not operate as a traditional B&B for several years and to this extent the impact on the local visitor economy of closure would be less than a continuously running guest house. The business returned to a traditional B&B in March 2014 with a substantial refurbishment and investment, not least due to the damage sustained, but the proprietor reports that the revamped business has struggled since.

The proprietor has submitted accounts to show *that the business is only making a very small profit and is barely viable*. Likewise he has shown that occupancy rates for the double rooms during the 3 summer month period was 24% (of which 11 nights were let as double/family rooms and 18 nights were let with single occupancy). For single rooms, the occupancy rate is 48%. He considers that *any prospective purchaser would not be able to raise business finance and would have to be a cash buyer*. Recent history would seem to indicate that *there is little or no demand from prospective purchasers for a B&B business in Worthing*. He further explains that *the loss of the National Bowls championships has been a significant blow to summer B&B revenue and indeed revenue throughout Worthing*. *The property requires significant investment in respect of the installation of full central heating and hot water system and the replacement of the en-suite bathrooms, as well as other upgrade works*. *The Parkhouse has only been awarded 2 stars by the AA and is therefore not the most attractive business to customers [or any purchaser] and cannot justify charging the rates of three stars or more B&B's*.

In terms of marketing, the property has been on the market since February 2014 with local residential estate agents and no interest has been shown in a guest house business, though an offer to purchase the property for a family house has been made, subject to planning permission.

As a case for departing from Core Strategy Policies 5, the evidence of unprofitability and occupancy, whilst illuminating in itself of current finances, only covers a limited period. It is clear the time spent as a Social Services accommodation provider has made return to the B&B market more challenging still. This is recognised as a difficult and competitive market but the Tourism Officer does not accept claims over the impact of the National Bowls Championship and refers to the Adur and Worthing Hotel and Visitor Accommodation Futures Study's view that *the demand for B+B accommodation in Worthing is currently strong, with the potential to grow*. Even so, the experience of the several B&B's who have faltered consistently over recent years suggests the picture is not uniformly optimistic and the current business appears to be on a knife's edge.

The marketing evidence is far from convincing in itself. The period of marketing (8 months) is significantly short of the 2 to 3 year period required by the Supplementary Planning Document - The Sustainable Economy limited and appears to coincide with the return to the B&B business. The form of marketing has not assertively tapped the commercial market either as required. Estate agents' views are relevant but only full marketing can truly test viability. It is arguable that



use of Social Services has explored other business models but this venture, despite its social benefits, is not supportive of the visitor economy.

The personal circumstances of the proprietor and the hardship that may ensue should the application fail, can be a material consideration, though one to be exercised with caution. The applicant has submitted full details and it is clear that running a B&B alone is a very demanding task in this very competitive and cost-sensitive market for anyone, let alone a person of the proprietor's years and with his medical history. Indeed, from the profitability figures and the applicant's reported health, the business may well cease shortly, regardless of the outcome of this application, with ensuing hardship.

The other side of the coin in this application is the return of the property to residential use. In terms of policy, this would, otherwise, be welcomed as the property is sustainably located in a residential suburb. Furthermore, the Core Strategy in Policy 9 and supported by the Strategic Housing Market Assessment has indicated the need for family housing in the town and the conversion to a large family house would therefore be welcome. Unusually for a large house in this location, it does benefit from a correspondingly large garden (albeit partly acquired at the expense of the neighbouring flats). The proposal therefore meets the relevant space standards. The proposal would also contribute towards local housing targets.

Looking at the change of use in the round, the case presented is short of demonstrating that no B&B business could be successful here and is contrary to established policy. However, in view of the wider history of difficulties faced by the business; history of use and in the knowledge of the applicant's personal circumstances, a flexible approach to the policy could be justified. This is not without precedent. The benefits that would accrue from a return to a family residential use also weigh in the balance.

### **The impact on the amenities of future and neighbouring occupiers and visual amenity**

No physical extensions are proposed nor are any external physical works.

Current inter-visibility between the property and its residential flanking neighbour would be unaffected.

However, restrictions on future Permitted Development rights are justified to prevent harm to any neighbour.

The loss of most of the garden of the neighbouring garden flat at No 6 appears to have been by mutual agreement. It leaves the garden flat with a front garden and small patio adjacent to the outrigger which is apparently adequate for their purposes (it is understood the upper floor flat never had access to the garden). Whilst it is regrettable and it leaves the property substandard in terms of Supplementary Planning Document outdoor amenity space, the harm is not one where refusal would be justified.

## **Impact on access and parking**

The site is sustainably located, close to the town centre and seafront. Parking demand is expected to be no greater and probably less than use as a large guest house and there is adequate on-site parking. Furthermore, the site sits in a Controlled Parking Zone.

## **Recommendation**

Grant planning permission subject to the following conditions:

1. 3 years to implement
2. Implement in accordance with approved drawings
3. Remove Permitted Development rights for roof and other extensions.

## **Background Papers**

Observations of the Highway Authority  
Observations of Tourism and Marketing Officer

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12<sup>th</sup> November 2014

Application Number: AWDM/1270/14

Recommendation – APPROVE

Site: 54 Lamorna Grove, Worthing, West Sussex

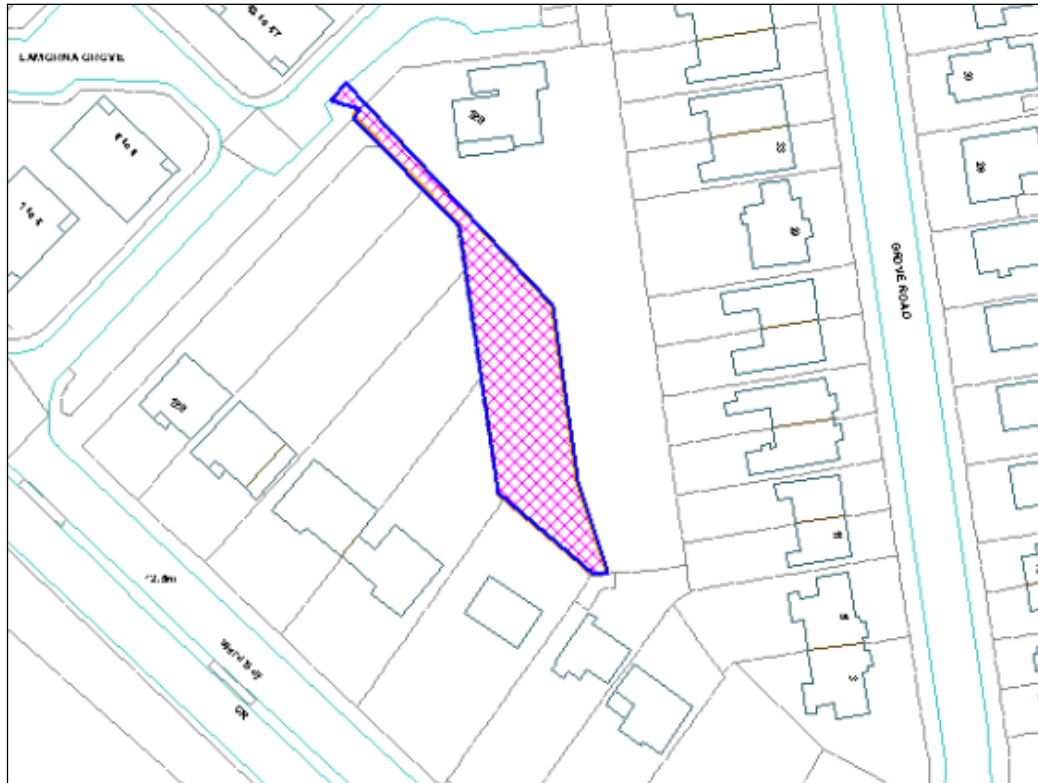
Proposal: Retention of conservatory to rear (south) elevation.

Applicant: Mr Robert Coward

Ward: Broadwater

Case Officer: Gary Peck

Officer:



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### **Proposal, Site and Surroundings**

This application seeks retrospective planning permission for a conservatory constructed on the rear (southern) elevation of number 54 Lamorna Grove, a bungalow.

Planning permission is required for the conservatory as permitted development rights were withdrawn when permission was granted to erect the property in 2008. The conservatory is glass above a brick plinth of 12 courses of brick and there is a small step from the rear door to the patio area upon which it has been constructed. The floor area of the conservatory is 3.24 x 3.3 metres.

54 Lamorna Grove is the westernmost of 2 bungalows situated in a backland plot, accessed via a private drive off Lamorna Grove itself. Its backland location means it

sits between properties in Grove Road to the east and Broadwater Street West to the west. Since 54 is the westernmost of the pair of the bungalows, and Broadwater Street West runs at an angle to the application site, properties in Broadwater Street West are closest to the application site, principally numbers 118 and 120.

### **Relevant Planning History**

Planning permission was granted in 2008 under reference 08/1064/FULL for the construction of 2 No. 3 bedroom bungalows, together with detached garage building, access via Lamorna Grove and landscaping. The application comprised revisions to house types approved under an earlier permission WB/06/0374/FULL.

Condition 10 of the permission stated: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as subsequently amended), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority in an application on that behalf.

### **Consultations**

None undertaken

### **Representations**

1 letter has been received from number 53 Lamorna Grove stating that they have no reason to object to the conservatory.

An objection has been received from the occupiers of 118 Broadwater Street West on the following grounds:

- noise and disturbance: the owners have moved their tables and chairs near to the boundary fence as a result of the conservatory being built resulting in a loss of privacy. Because the owners are a retired couple, there is no let up in noise and disturbance and the conservatory means that they are much closer. The extension has been built in direct infringement to the previous planning condition.
- loss of privacy: the erection of the conservatory means that the occupiers can now look into the bathroom and landing windows of 118. Tree screening is inadequate and the conservatory causes light disturbance
- loss of outlook: before 54 was constructed the outlook was previously of trees. The lack of planting and failure to comply with the condition has led to a loss of outlook.
- no pre-application consultation took place with the neighbours
- contrary to imposition of the previous restrictive condition
- design and visual appearance of the property is poor and as the doors open to the south this adversely affects privacy
- inadequate landscaping
- opposition to the principle of development – previous conditions should be complied with.

In response the applicant has responded:

- The table and chairs are placed in the same position as they were before the conservatory was built i.e. between the two sets of patio doors
- The Conservatory stands just short of the original patio area the conservatory stands on the opposite side to 118's property boundary
- How an earth can noise & disturbance be caused by a conservatory, as a retired couple we do not lead the high life as implied and we object strongly to imply anything different.
- We can categorically say that we have NO desire to view anyone in their bathroom or any other window even if it was possible to do so!!
- Item on outlook is about the previous planning approval when the bungalows were built and has no bearing on this application
- We had no approach from the neighbour until after the conservatory was completely finished and came to our bungalow to complain

### **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): H16, H18

Worthing Core Strategy (WBC 2011): 16

National Planning Policy Framework (CLG 2012)

Planning Practice Guidance (CLG 2014)

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Assessment**

#### ***Principle***

The condition imposed upon the original permission withdrew permitted development rights to extend the property without planning permission. It does not preclude the applicant from submitting an application for consideration and the fact that permitted development rights were withdrawn cannot be a reason for refusal in itself – any proposal must be judged upon its individual merits.

#### ***Amenity***

It is appreciated that at the time of the original permission there were a number of objections to the construction of the subject property and from the objector's perspective, their previous outlook prior to the granting of that permission was of a

lengthy rear garden framed by trees of a property to the north. This clearly changed once permission was granted for the bungalows. Nonetheless, the bungalows were granted planning permission and any assessment of amenity in relation to this application must be solely to the conservatory itself.

In visual amenity terms, the conservatory cannot be seen from any public viewpoint and so this is restricted to the impact upon neighbouring properties. The neighbouring bungalow to the east is set slightly further back into its plot and therefore the conservatory has little impact upon it (and indeed the neighbour has commented that there is no reason to object).

The effect on the properties in Broadwater Street West in visual terms is considered to be limited. The conservatory is offset against the bungalow, extends across less than half of the width of the dwelling and the eaves of the conservatory sits just below the eaves of the bungalow itself. It is not considered that any objection in visual terms can be justified.

The remaining question is therefore of residential amenity. In terms of overlooking, the conservatory is situated in front of a previous set of patio doors and as such sits in front of an existing window that potentially overlooked neighbouring properties. In terms of the bedroom and landing windows of the property to the rear, it is not considered that there is any material impact in overlooking and although the conservatory is 3 metres nearer to the mutual boundary than the patio doors, there is still a sufficient distance between the conservatory and the western boundary (6 metres at its nearest point).

From an internal inspection of the neighbouring property to the rear's bathroom, which has clear glass windows, it does appear that because of the angle of the respective properties, the conservatory is more directly in the line of sight from one of the windows than the patio doors. However, it was also observed that a window of number 53 is visible from the same bathroom window and accordingly it is not considered that material harm is caused by the construction of the conservatory.

It is noted that a landscaping condition was imposed upon the original permission although this is only effective for 5 years after the date of the permission in terms of replacing any planting that has died. There is some landscaping on the applicant's side of the boundary but it is not of a height to provide a screen to the first floor windows of the neighbouring property and in fact the most effective landscaping is on the objector's side of the boundary. In light of the comments above, it is not considered that an additional landscaping condition is justified to screen a conservatory that itself is not considered to cause material harm

While the concerns of the neighbour are duly noted, much of the objection that can be considered relevant in planning terms appears caused by the construction of the bungalow itself and not by the conservatory. Accordingly, it is concluded that there is no reason to refuse permission.

## **Recommendation**

To **GRANT** retrospective planning permission.

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12<sup>th</sup> November 2014

**Application Number: AWDM/1288/14 & Recommendation – APPROVE  
AWDM/1282/14**

**Site: Southern Pavilion, Worthing Pier, The Promenade, Worthing**

**Proposal: Application for Planning Permission and Listed Building Consent to attach handrail to disabled ramp on ground floor western fire escape**

Applicant: Mr Richard Bradley  
Case Officer: Marie O’Keeffe

Ward: Central



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### **Proposal, Site and Surroundings**

The application relates to the Southern or ‘Pierhead’ Pavilion on Worthing Pier, a grade II listed building dating from 1935. The Southern Pavilion is now a wedding venue/restaurant/bar but prior to that was used for many years as a nightclub.

Planning permission and Listed Building consent are sought to add a handrail to a ramped entrance on the west side of the building.

The 2-storey, flat-roofed, ‘nautical style’ Art Deco building consists of rounded lounge/bar areas on either end of a central hall/dance floor. The main entrance is at the northern end with curved external stairs leading to external first-floor terraces to



the side and rear (south). These terraces have railings and the style and proportions of these are to be copied in the proposed handrail.

The site is located within the South Street Conservation Area.

This report covers both the planning application and listed building consent application. It is before you as the Pier is Council owned.

### **Relevant Planning History**

AWDM/0684/13 - Use of Southern Pavilion as wedding and social events venue with (daytime) cafe and ice cream kiosk together with associated internal alterations (Application for Listed Building Consent). Granted 6.9.13

AWDM/0685/13 - Use of Southern Pavilion as wedding and social events venue with (daytime) cafe and ice cream kiosk. Granted 6.9.13

### **Consultations**

English Heritage has confirmed they do not need to see the Listed Building application.

### **Representations**

None received.

### **Relevant Legislation**

- A) The Committee should consider the planning applications in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

The Committee should also consider the application in accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

- B) The Committee should consider the application in accordance with Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it has.

## **Relevant Planning Policies and Guidance**

Worthing Core Strategy 2006-2026 (WBC 2011) policies: 16, 19  
Worthing Local Plan (WBC 2003) (saved policies): H18  
National Planning Policy Framework (DCLG March 2012)

## **Planning Assessment**

### ***Principle***

The proposal, which is supported in principle, would improve access to and from the building. It falls to be determined on whether the handrail is an acceptable alteration building which will preserve the building's setting or any features of special architectural or historic interest which it has.

### ***Visual amenity***

The southern pavilion building has a timber ramped entrance on its west side abutting the building. On its outer edge it currently only has a roped guard. The proposed metal rail, to be painted white, reflects the design and detail of the first floor art deco railed terraces. The drawings show the new handrail to be bolted to the pier floor but not physically attached to the building itself.

The proposed rail is considered to be an acceptable addition to this listed building which will not be harmful to its setting or any special architectural features but which will improve access for the disabled.

## **Recommendation**

**Approve AWDM/1288/14 and AWDM/1282/14 subject to Conditions:-**

1. Standard time limit
2. Approved Plans

**Local Government Act 1972  
Background Papers:**

As referred to in individual application reports

**Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

## **9.0 Risk Assessment**

9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.